

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII

PARTIAL TRANSCRIPT OF JURY TRIAL (DAY 18)
BEFORE THE HONORABLE DERRICK K. WATSON,
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiff: MARK INCIONG, ESQ.
MICHAEL DAVID NAMMAR, ESQ
WILLIAM KE AUPUNI AKINA, ESQ.
AISLINN AFFINITO, ESQ.
Office of the United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Suite 6100
Honolulu, Hawaii 96850

17 For the Defendant: LYNN E. PANAGAKOS, ESQ.
18 841 Bishop St., Ste 2201
Honolulu, HI 96813

19 MICHAEL JEROME KENNEDY, ESQ.
20 Law Offices of Michael Jerome
Kennedy, PLLC
21 333 Flint Street
Reno, NV 89501

22 Official Court Reporter: Gloria T. Bediamol, RPR RMR CRR FCRR
23 United States District Court
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

25 Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

1

I N D E X

2

GOVERNMENT WITNESS:

PAGE NO.

3

SARA TUFELE

4

DIRECT EXAMINATION BY MR. NAMMAR
CROSS-EXAMINATION BY MS. PANAGAKOS

4

60

5

EXHIBITS:

PAGE NO.

7

8	Exhibit 9-580 was received in evidence	19
9	Exhibit 9-194 was received in evidence	21
10	Exhibit 9-831 was received in evidence	23
11	Exhibit 1-852 was received in evidence	29
12	Exhibit 1-858 was received in evidence	54
13	Exhibits 1-859 and 1-860 were received in evidence	55
14	Exhibit 1-546 was received in evidence	57
	Exhibits 9015-003 and 9015-004 were received in evidence	61
	Exhibit 9051-047 was received in evidence	65
	Exhibit 9051-048 was received in evidence	67
	Exhibit 9051-49 was received in evidence	67
	Exhibit 9051-036 was received in evidence	75

15

16

17

18

19

20

21

22

23

24

25

1 February 12, 2024

11:48 a.m.

2 --oo0oo--

11:48AM 3 THE CLERK: Criminal Number 19-00099-DKW-KJM, United
11:48AM 4 States of America versus Michael J. Miske, Jr.
11:48AM 5 This case has been called for jury trial, day 18.
11:48AM 6 Counsel, please make your appearances for the record.
11:48AM 7 MR. INCIONG: Good morning, Your Honor. Mark Inciong,
11:48AM 8 Michael Nammar, and KeAupuni Akina for the United States. Also
11:48AM 9 present with us is FBI Special Agent Thomas Palmer and Kari
11:48AM 10 Sherman.
11:48AM 11 THE COURT: All right. Good morning to you. We can
11:48AM 12 only barely still say that.
11:48AM 13 MR. KENNEDY: I'll speak fast. Good morning, Your
11:48AM 14 Honor. Michael Kennedy with Lynn Panagakos, Michael Miske,
11:48AM 15 Ashley King, and Josh Barry is joining us. Good morning,
11:48AM 16 everyone.
11:48AM 17 THE COURT: Good morning. You may all be seated.
11:48AM 18 Good morning to the 17 persons on our jury. We are getting a
11:48AM 19 little bit later start, I think, than we had all anticipated
11:48AM 20 this morning. But as they say, what's the cliche? Better late
11:48AM 21 than never.
11:48AM 22 So we are continuing with the government's case in
11:49AM 23 chief. When we were last together, seems like an eternity ago
11:49AM 24 a little bit, which is about ten days or so ago, we had heard
11:49AM 25 from a couple of IRS employees very, very briefly. And so

11:49AM 1 Mr. Inciong and the government may call its next witness.

11:49AM 2 MR. NAMMAR: United States calls Sara Tufele.

11:49AM 3 THE CLERK: Please raise your right hand.

11:49AM 4 SARA TUFELE,

11:49AM 5 called as a witness, having been first duly sworn, was examined

11:49AM 6 and testified as follows:

11:49AM 7 THE CLERK: Please state your full name, spelling your

11:49AM 8 last name for the record.

11:49AM 9 THE WITNESS: Sara Maile Tufele, T-U-F-E-L-E.

11:49AM 10 DIRECT EXAMINATION

11:49AM 11 BY MR. NAMMAR:

11:49AM 12 Q Good morning, Ms. Tufele.

11:50AM 13 A Good morning.

11:50AM 14 Q Do you know a person named Wayne Miller?

11:50AM 15 A Yes.

11:50AM 16 Q How do you know Mr. Miller?

11:50AM 17 A He is my son's father.

11:50AM 18 Q You have a son with him?

11:50AM 19 A Yes.

11:50AM 20 Q How old is your son now?

11:50AM 21 A Nine.

11:50AM 22 Q How did you meet Mr. Miller?

11:50AM 23 A At the M Nightclub.

11:50AM 24 Q Okay. When did you meet him, if you recall?

11:50AM 25 A 2013.

11:50AM 1 Q And do you remember who was present when you met him at
11:50AM 2 the M Nightclub?
11:50AM 3 A Mike Miske.
11:50AM 4 Q Did a relationship start after that?
11:50AM 5 A Yes.
11:50AM 6 Q How long did your relationship with Mr. Miller last?
11:50AM 7 A About five years.
11:50AM 8 Q And how many children did you have together?
11:50AM 9 A One.
11:50AM 10 Q When you were in a relationship with Mr. Miller, did you
11:50AM 11 get to know his closest friends?
11:50AM 12 A Yes.
11:51AM 13 Q Who were Mr. Miller's closest friends?
11:51AM 14 A Mike, John, some others.
11:51AM 15 Q Okay. When you say Mike, who is that?
11:51AM 16 A Mike Miske.
11:51AM 17 Q Do you see Mr. Miske in the courtroom today?
11:51AM 18 A Yes.
11:51AM 19 Q Can you point him out and describe an article of clothing
11:51AM 20 he is wearing?
11:51AM 21 A He's wearing, like, a brown or beige suit.
11:51AM 22 MR. NAMMAR: May the record reflect that the witness
11:51AM 23 has identified the defendant?
11:51AM 24 THE COURT: Yes. The record should reflect
11:51AM 25 Ms. Tufele's identification of the defendant, Mr. Miske.

11:51AM 1 BY MR. NAMMAR:

11:51AM 2 Q You also mentioned a person named John was one of his

11:51AM 3 closest friends.

11:51AM 4 Who is John?

11:51AM 5 A Mike's half brother.

11:51AM 6 Q Did you know John's last name?

11:51AM 7 A Stancil.

11:51AM 8 Q Would you socialize with Mr. Miller and his closest

11:51AM 9 friends John and Mike Miske?

11:51AM 10 A Yes.

11:51AM 11 Q What would you guys do when you socialized?

11:51AM 12 A Dinners, go to each other's homes.

11:52AM 13 Q Would you ever go to the beach?

11:52AM 14 A Yes. We would go ride jet skis at Maunalua Bay.

11:52AM 15 Q Where would you go, if you recall, at Maunalua Bay?

11:52AM 16 A Near the tree.

11:52AM 17 Q And is there any businesses that you could tell us that

11:52AM 18 are near by the tree? Is that what you said?

11:52AM 19 A Yes. Across is Outback Steakhouse and Roy's.

11:52AM 20 Q And what part of an island is that?

11:52AM 21 A Hawaii Kai.

11:52AM 22 Q Do you know whether Mr. Miske had any girlfriends?

11:52AM 23 A Yes.

11:52AM 24 Q Who did you know to be his girlfriends?

11:52AM 25 A Andi, Heather, and Angela.

11:52AM 1 Q Did you know Andi's last name?
11:52AM 2 A Kaneakua.
11:52AM 3 Q Did you become friends with any of Mr. Miske's
11:52AM 4 girlfriends?
11:52AM 5 A Yes.
11:52AM 6 Q Andi Kaneakua, did you know what she did for work?
11:52AM 7 A She worked at Kama'aina.
11:52AM 8 Q Did you know what Ms. Kaneakua did at Kama'aina?
11:53AM 9 A I think she was, like, the general manager or something
11:53AM 10 similar to that.
11:53AM 11 Q You mentioned an Angela?
11:53AM 12 A Yes.
11:53AM 13 Q Did you know her last name?
11:53AM 14 A Varnadore.
11:53AM 15 Q Did you know what Ms. Varnadore did for work?
11:53AM 16 A She did all Mike's, like, marketing proposals.
11:53AM 17 Q Okay. Did you know for what companies she did marketing?
11:53AM 18 A I believe his umbrella businesses.
11:53AM 19 Q Did you know a Heather Freeman?
11:53AM 20 A Yes.
11:53AM 21 Q Who is that?
11:53AM 22 A His other partner.
11:53AM 23 Q And did you know what she did for work?
11:53AM 24 A Aesthetician.
11:53AM 25 Q Do you know if she ever worked in any nightclubs?

11:53AM 1 A Yes. She worked at Mike's nightclub.

11:53AM 2 Q Have you heard of the nightclub Addiction?

11:53AM 3 A Yes.

11:53AM 4 Q Do you know whether Ms. Freeman ever worked there?

11:53AM 5 A I believe she did.

11:53AM 6 Q Do you know a person named -- where is Addiction located,

11:54AM 7 excuse me.

11:54AM 8 A It is in -- it's across from the -- it's in by the Prince

11:54AM 9 Hotel.

11:54AM 10 Q In Waikiki?

11:54AM 11 A Yeah, across from Chart House.

11:54AM 12 Q Sort of on the entrance of Waikiki town side?

11:54AM 13 A Yes.

11:54AM 14 Q Do you know a person by the name of Tori Clegg?

11:54AM 15 A Yes.

11:54AM 16 Q Who is that, if you know?

11:54AM 17 A She was another of his partners.

11:54AM 18 Q And did you know what Ms. Clegg did for work?

11:54AM 19 A Dental hygienist.

11:54AM 20 Q Did you know a person by the name of Anna Ueda (phonetic)?

11:54AM 21 A Yes.

11:54AM 22 Q How did you know Ms. Ueda?

11:54AM 23 A Heather Freeman's, I believe, husband that passed away's

11:54AM 24 cousin.

11:54AM 25 Q Okay. Would you ever hang out with Heather, Michael

11:54AM 1 Miske, and Anna Ueda?

11:54AM 2 A Yes.

11:54AM 3 Q Was Anna Ueda -- was she in a relationship with anyone, if

11:55AM 4 you know?

11:55AM 5 A Yes.

11:55AM 6 Q Who was that?

11:55AM 7 A Daniel Ueda.

11:55AM 8 Q What would you all do when you would socialize?

11:55AM 9 A Like, celebrate someone's birthday, like Heather's.

11:55AM 10 Q Would Michael Miske be present?

11:55AM 11 A Yes.

11:55AM 12 Q And would Wayne Miller be present?

11:55AM 13 A Yes.

11:55AM 14 Q Do you know whether the Uedas had any contacts or

11:55AM 15 connections with law enforcement?

11:55AM 16 A I believe so, yes.

11:55AM 17 Q What do you believe was their contact or connection with

11:55AM 18 law enforcement?

11:55AM 19 A I don't know exactly, but I think they had a friend or a

11:55AM 20 relative.

11:55AM 21 Q When you were in a relationship with Mr. Miller, what

11:55AM 22 you've told us was about five years long, was he healthy?

11:55AM 23 A Up until 2017, yes.

11:55AM 24 Q Okay. And what do you recall happening in 2017?

11:55AM 25 A So in 2016, Wayne had to have a life-threatening surgery

11:55AM 1 to replace his entire aorta except the arch. And we flew to
11:56AM 2 Houston Medical Center where he had that -- placed that
11:56AM 3 surgery. And shortly after, he had a few additional surgeries
11:56AM 4 to fix tissue that separated. And after that, I think he
11:56AM 5 developed the pain medication addiction.

11:56AM 6 Q Were you present for his surgeries?

11:56AM 7 A Yes.

11:56AM 8 Q How many were there, if you recall?

11:56AM 9 A Three.

11:56AM 10 Q You mentioned the first one was in Texas?

11:56AM 11 A Correct.

11:56AM 12 Q Do you recall where?

11:56AM 13 A Houston Medical Center.

11:56AM 14 Q Were you present for that?

11:56AM 15 A Yes.

11:56AM 16 Q Where were the other surgeries?

11:56AM 17 A One, I believe -- if I recall correctly -- was also in
11:56AM 18 Houston. And the second one -- the third one was here in
11:56AM 19 Honolulu; Straub or Queens, one of them.

11:56AM 20 Q You mentioned that Mr. Miller developed a problem with
11:56AM 21 pain medication.

11:56AM 22 Did he, if you know, receive any pain medication
11:57AM 23 associated with those surgeries?

11:57AM 24 A Yes, oxycodone.

11:57AM 25 Q How did you learn that Mr. Miller had a problem with

11:57AM 1 oxycodone?

11:57AM 2 A When he couldn't pay his bills or anything, I started

11:57AM 3 getting delinquent loan statements.

11:57AM 4 Q Did you try to help Mr. Miller with his problem with

11:57AM 5 oxycodone?

11:57AM 6 A Yes.

11:57AM 7 Q How did you try to help him?

11:57AM 8 A Through encouragement at first, and then anger after, and

11:57AM 9 then recommended him to go get treatment, which he did.

11:57AM 10 Q And where did he go seek treatment?

11:57AM 11 A I think one for sure was in Las Vegas. I know he tried a

11:57AM 12 couple here in Honolulu, and maybe in California.

11:57AM 13 Q Did it work, the treatment?

11:57AM 14 A I would say for the full extent of 2017, I would say maybe

11:58AM 15 right up until he got arrested. Like, maybe, like, a month

11:58AM 16 before he got arrested, I thought maybe he got clean and sober

11:58AM 17 but I can't be certain.

11:58AM 18 Q When Mr. Miller was using oxys and he was around you, did

11:58AM 19 he act differently at all?

11:58AM 20 A No, he was just tired.

11:58AM 21 Q Did Mr. Miller's use of oxycodone appear to affect his

11:58AM 22 memory?

11:58AM 23 A Not that I can recall.

11:58AM 24 Q Why do you believe that?

11:58AM 25 A I mean, I would have normal conversations with him. He

11:58AM 1 knew he was delinquent on his bills. Things that I would tell
11:58AM 2 him he would still remember.
11:58AM 3 Q So it seemed like he had the ability to recall?
11:58AM 4 A Yes.
11:58AM 5 Q Were you served a subpoena to testify here today?
11:58AM 6 A Yes.
11:58AM 7 Q Do you understand that subpoena requires you to show up?
11:58AM 8 A Yes.
11:58AM 9 Q Do you want to be here today?
11:58AM 10 A Absolutely not.
11:59AM 11 Q Caleb Miske, do you know who that was?
11:59AM 12 A Mike's son.
11:59AM 13 Q And did you learn at some point that he was in a car
11:59AM 14 accident?
11:59AM 15 A Yes.
11:59AM 16 Q Do you remember how you heard about that?
11:59AM 17 A We got a phone call in November of 2015 that we needed to
11:59AM 18 go to the hospital because he was in a serious car accident.
11:59AM 19 Q When you say "we"?
11:59AM 20 A Wayne and myself.
11:59AM 21 Q Did you go to the hospital?
11:59AM 22 A Um-hm.
11:59AM 23 Q Multiple times?
11:59AM 24 A Yes.
11:59AM 25 Q And when you were at the hospital, were you with

11:59AM 1 Mr. Miller?

11:59AM 2 A Yes.

11:59AM 3 Q And did you speak with Mr. Miske during those visits?

11:59AM 4 A Here and there.

11:59AM 5 Q Okay. Did the subject of who was the driver in the car

11:59AM 6 crash ever come up when you were with Mr. Miske?

11:59AM 7 A Yes. I recall someone making a statement that Caleb was

12:00PM 8 the driver, and I asked Mike about it at the hospital. And he

12:00PM 9 said no, that's not accurate.

12:00PM 10 Q Was he upset when he told you it was not accurate?

12:00PM 11 A No.

12:00PM 12 Q The Poke Shack, I want to ask you some questions about

12:00PM 13 that.

12:00PM 14 Have you heard of the Poke Shack?

12:00PM 15 A Yes.

12:00PM 16 Q What is the Poke Shack?

12:00PM 17 A It was a business that Wayne wanted to start here in

12:00PM 18 Honolulu. He tasted poke in Kona, and he loved the food and

12:00PM 19 the recipes and thought it would be a great business

12:00PM 20 opportunity here in Honolulu. And so he and Mike discussed it.

12:00PM 21 And at the time, he hadn't had his surgery yet. And so he

12:00PM 22 wanted to have a legacy for his son, so he asked me to be the

12:01PM 23 owner of the wagon if he invested in it.

12:01PM 24 Q Okay. You said he asked you to be the owner, but who did

12:01PM 25 you understand -- eventually, did it get off the ground, the

12:01PM 1 wagon?

12:01PM 2 A Yes. It wasn't something that I wanted to do. It was

12:01PM 3 Wayne's idea, and so he asked Mike to help him get his plan off

12:01PM 4 the ground.

12:01PM 5 Q And did Mike assist with that?

12:01PM 6 A Yes.

12:01PM 7 Q How so?

12:01PM 8 A He and Wayne came up with an idea to start a store front,

12:01PM 9 but before we started a store front, they decided to invest in

12:01PM 10 a wagon. And they had put myself and Jason Yokoyama as the

12:01PM 11 owners for the business.

12:01PM 12 Q In reality, who did you believe to be the owners?

12:01PM 13 A Mike and Wayne.

12:01PM 14 Q And why did you think that Mike and Wayne were the owners?

12:01PM 15 A They were the ones that invested in the business.

12:01PM 16 Q When it first started?

12:02PM 17 A Correct.

12:02PM 18 Q You mentioned the term wagon.

12:02PM 19 Can you tell the jury what that means?

12:02PM 20 A It was a lunch truck, mobile lunch truck. It was an old

12:02PM 21 Frito Lay truck that had some modifications done to it to serve

12:02PM 22 food out of it.

12:02PM 23 Q Do you know where it was initially acquired, the Frito Lay

12:02PM 24 truck?

12:02PM 25 A No.

12:02PM 1 Q Do you know who put up the money for the Frito Lay truck
12:02PM 2 initially?
12:02PM 3 A Mike and Wayne.
12:02PM 4 Q You mentioned modifications to the Frito Lay truck.
12:02PM 5 Can you tell us what those were?
12:02PM 6 A I believe they gutted the interior, did a wrap, installed
12:02PM 7 kitchen equipment.
12:02PM 8 Q Do you know who handled that work?
12:02PM 9 A Mike and Wayne.
12:02PM 10 Q Do you know who a person by the name of Alfredo Cabael is?
12:02PM 11 A Yes.
12:02PM 12 Q Tell us about him.
12:02PM 13 A Al was Mike's right-hand man. Whatever he needed to be
12:03PM 14 done for any of the businesses, he would do what needed to be
12:03PM 15 done. And if I recall correctly, he was the one that brought
12:03PM 16 the Frito truck to the shop.
12:03PM 17 Q Do you know whether he worked on some of the modifications
12:03PM 18 to the Frito Lay truck?
12:03PM 19 A I think so.
12:03PM 20 Q Okay. Did the truck eventually become operational?
12:03PM 21 A Yes.
12:03PM 22 Q Did you then assist in the operation of the food truck?
12:03PM 23 A Yes.
12:03PM 24 Q How did you assist?
12:03PM 25 A First I started learning from Jason. He had the business

12:03PM 1 aspect to teach me of getting all the pertinent documentation;
12:03PM 2 the licensing, things like that. And then I learned how to
12:03PM 3 make the pokes and, like, work with different vendors to
12:03PM 4 purchase food and serve the food.

12:03PM 5 Q You mentioned Jason.

12:03PM 6 Who is that?

12:03PM 7 A Jason Yokoyama was -- was Mike's other business partner,
12:04PM 8 very knowledgeable in business. I don't know exactly all the
12:04PM 9 businesses. I think he had, like, a clothing line and helped
12:04PM 10 with the M Nightclub.

12:04PM 11 Q Would you ever see Jason at the M Nightclub?

12:04PM 12 A Yes.

12:04PM 13 Q And what did you understand that he did for the M
12:04PM 14 Nightclub?

12:04PM 15 A Maybe he was a silent investor, but he was always in the
12:04PM 16 front running the operation.

12:04PM 17 Q Did you know Jason's last name?

12:04PM 18 A Yokoyama.

12:04PM 19 Q How did the day-to-day operations of the food truck work?

12:04PM 20 A So it was parked in a warehouse near Mike's Kama'aina
12:04PM 21 Termite shop on Queen. When it would open, it would be driven
12:04PM 22 in front of the Kama'aina shop in two parking stalls. And then
12:04PM 23 we would open for a few hours for lunch. And the M Nightclub
12:04PM 24 was the certified kitchen, and food would be prepared and then
12:04PM 25 served out of the wagon.

12:04PM 1 Q And where would the wagon be parked?

12:05PM 2 A Right outside of Kama'aina Termite in the beginning.

12:05PM 3 Q And did it move eventually to different spots?

12:05PM 4 A Yes, Home Depot in Honolulu.

12:05PM 5 Q If you had questions about the operation of the truck, who

12:05PM 6 would you contact?

12:05PM 7 A Initially I would contact Jason. And then there was a

12:05PM 8 major shift. I was attending school so it was not like my

12:05PM 9 first priority. And in 2016 -- the beginning of 2016, Wayne

12:05PM 10 had his surgery and Caleb passed away. And from there, nobody

12:05PM 11 had the time to worry about the wagon, and so essentially, it

12:05PM 12 kind of closed shop.

12:05PM 13 Q So the business stopped operating?

12:05PM 14 A Yes.

12:05PM 15 Q Did anyone, if you recall, direct you on where to park the

12:05PM 16 food truck?

12:05PM 17 A Yes. It was always Wayne and Mike.

12:05PM 18 Q You mentioned that the M Nightclub was the certified

12:06PM 19 kitchen.

12:06PM 20 What did you mean by that?

12:06PM 21 A For food preparation.

12:06PM 22 Q Okay. Why couldn't you just use the food trucks for food

12:06PM 23 preparation?

12:06PM 24 A From what I understand, you needed a certified kitchen to

12:06PM 25 prepare food.

12:06PM 1 Q And the M Nightclub had such a kitchen?

12:06PM 2 A Uh-huh.

12:06PM 3 Q You said that the truck stopped operating, right?

12:06PM 4 A Uh-huh.

12:06PM 5 Q Do you recall what happened with the food truck when it

12:06PM 6 stopped operating?

12:06PM 7 A On one occasion, I asked Mike and I believe he had a buyer

12:06PM 8 and that was it. I don't know what happened to it after.

12:06PM 9 Q Were you involved in the sale at all of the --

12:06PM 10 A No.

12:06PM 11 Q -- food truck. Do you know if Mr. Miller was?

12:06PM 12 A No.

12:06PM 13 Q What was done about the taxes?

12:06PM 14 A So I had reached out to Jason in regards to what to do

12:06PM 15 with the taxes. I didn't get feedback from him. He gave me

12:07PM 16 Trisha Castro's phone number. She didn't really get back to

12:07PM 17 me. Again, this is the time during when Caleb passed away and

12:07PM 18 I think the M was closing down. There was just a lot of, like,

12:07PM 19 other larger priorities, so I took it upon myself to file the

12:07PM 20 income from the business under my own individual taxes.

12:07PM 21 Q Even though you didn't believe you were the owner?

12:07PM 22 A Correct. But because my name was on it I wanted to make

12:07PM 23 sure that the right thing was done.

12:07PM 24 Q You mentioned somebody by the name of Trisha Castro.

12:07PM 25 Who is that?

12:07PM 1 A She was Mike and Jason's accountant.

12:07PM 2 Q Did you file those tax returns yourself for the food

12:07PM 3 truck, or did you have help?

12:07PM 4 A I had a tax preparer help me who I've been going to for

12:07PM 5 14 years.

12:07PM 6 Q Can we show the witness only Exhibit 9-580, which is a two

12:08PM 7 paged document.

12:08PM 8 Do you recognize the two photos that are up on the

12:08PM 9 screen in front of you?

12:08PM 10 A Yes.

12:08PM 11 Q And how are you able to recognize them?

12:08PM 12 A It's the Poke Shack food truck.

12:08PM 13 Q Did they fairly and accurately depict the Poke Shack food

12:08PM 14 truck as you remember it?

12:08PM 15 A Yes.

12:08PM 16 MR. NAMMAR: Your Honor, at this time, I move to admit

12:08PM 17 Exhibit 9-580.

12:08PM 18 THE COURT: Any objection?

12:08PM 19 MS. PANAGAKOS: No objection, Your Honor.

12:08PM 20 THE COURT: Without objection, Exhibit 9-580 is

12:08PM 21 admitted. You may publish.

12:08PM 22 (Exhibit 9-580 was received in evidence.)

12:09PM 23 BY MR. NAMMAR:

12:09PM 24 Q Thank you. Okay, Ms. Tufele, 9-580 is on the screen.

12:09PM 25 What are we looking at here?

12:09PM 1 A The lunch wagon for the Poke Shack.

12:09PM 2 Q And earlier you mentioned a wrap.

12:09PM 3 Can you tell the jury what you meant by the term wrap?

12:09PM 4 A That image of the beach is, I believe, like a sticker or a

12:09PM 5 wrap that you can put on cars.

12:09PM 6 Q Was that one of the modifications that was made to the

12:09PM 7 Frito Lay truck?

12:09PM 8 A Yes.

12:09PM 9 Q Can you show now the second page.

12:09PM 10 What is shown here?

12:09PM 11 A More of the -- another side of the wagon and more of the

12:09PM 12 wrap.

12:09PM 13 Q Okay. Do you notice anything on top of the truck?

12:09PM 14 A Oh, yes. Solar panels and FCUs.

12:09PM 15 Q Do you know who put in the items on the top of the truck,

12:10PM 16 including the solar panel?

12:10PM 17 A No.

12:10PM 18 Q Did you have any involvement with that?

12:10PM 19 A No.

12:10PM 20 MR. NAMMAR: Your Honor, at this time, I move for the

12:10PM 21 admission of Exhibit 9-194. It's a public document

12:10PM 22 specifically -- it's a DCCA certified document that obtains a

12:10PM 23 certification, and it is the articles of organization for the

12:10PM 24 Poke Shack. I believe it's admissible under Rule 9021. It's

12:10PM 25 accompanied by a certification as well as a seal.

12:10PM 1 THE COURT: One second.

12:10PM 2 MS. PANAGAKOS: Counsel, could we see the copy on the

12:10PM 3 screen?

12:11PM 4 THE COURT: Ms. Panagakos, any objection?

12:11PM 5 MS. PANAGAKOS: Could I see the second page again?

12:11PM 6 The third page. I'm sorry, the fourth page. No objection.

12:11PM 7 THE COURT: Without objection, Exhibit 9-194 is

12:11PM 8 admitted.

12:11PM 9 (Exhibit 9-194 was received in evidence.)

12:11PM 10 MR. NAMMAR: May we publish?

12:11PM 11 THE COURT: Yes.

12:11PM 12 BY MR. NAMMAR:

12:11PM 13 Q Can you go to page five.

12:11PM 14 Ms. Tufele, the jury can see this document.

12:12PM 15 Can you tell the jury what we are looking at here on

12:12PM 16 page five?

12:12PM 17 A The articles of organization for LLC, the Poke Shack

12:12PM 18 Honolulu.

12:12PM 19 Q Is this for the food truck that we have been talking

12:12PM 20 about?

12:12PM 21 A Yes.

12:12PM 22 Q And do you recognize the handwriting on this page five?

12:12PM 23 A I don't recognize it, but I know it's not my handwriting.

12:12PM 24 Q Do you know who filled out this form?

12:12PM 25 A I believe Jason.

12:12PM 1 Q That's Jason Yokoyama?

12:12PM 2 A Yes.

12:12PM 3 Q Okay. The address that's listed in B, 940-B Queen Street?

12:12PM 4 A Yes.

12:12PM 5 Q Do you recognize that address?

12:12PM 6 A Yes.

12:12PM 7 Q What is that address?

12:12PM 8 A It's Kama'aina Termite and Pest Control shop address.

12:12PM 9 Q Okay. Can we now bring up the next page. If you go to

12:13PM 10 the date, can you zoom in on the date at the bottom. It's

12:13PM 11 dated here on the bottom July 30, 2015.

12:13PM 12 Do you see that?

12:13PM 13 A Yes.

12:13PM 14 Q Is that around the time that you recall the food truck was

12:13PM 15 being set up?

12:13PM 16 A Yes.

12:13PM 17 Q At this time, was the food truck operational yet?

12:13PM 18 A No.

12:13PM 19 Q If you could zoom out now. And then zoom in on see the

12:13PM 20 list of initial managers.

12:13PM 21 Do you say your name anywhere listed here?

12:13PM 22 A Yes.

12:13PM 23 Q And is this consistent with what you've talked about being

12:13PM 24 the owner on paper?

12:13PM 25 A Yes.

12:13PM 1 Q Can we now show the witness only Exhibit 9-831.

12:14PM 2 Ms. Tufoele, do you recognize 9-831?

12:14PM 3 A Yes.

12:14PM 4 Q And how are you able to recognize it?

12:14PM 5 A It's my individual tax income -- or return.

12:14PM 6 Q Did you get to review this before you testified?

12:14PM 7 A Yes.

12:14PM 8 Q And is this an accurate copy of the tax return for the tax

12:14PM 9 year 2016?

12:14PM 10 A Yes.

12:14PM 11 Q On this tax return, did you report income for the Poke

12:14PM 12 Shack?

12:14PM 13 A Yes.

12:14PM 14 MR. NAMMAR: Your Honor, at this time I would move to

12:14PM 15 admit 9-831.

12:14PM 16 THE COURT: Any objection?

12:14PM 17 MS. PANAGAKOS: How many pages is it?

12:14PM 18 MR. NAMMAR: 28.

12:14PM 19 MS. PANAGAKOS: No objection.

12:14PM 20 THE COURT: Without objection, Exhibit 9-831 is

12:14PM 21 admitted. You may publish.

12:14PM 22 (Exhibit 9-831 was received in evidence.)

12:15PM 23 BY MR. NAMMAR:

12:15PM 24 Q If you could zoom in on the first top half of this. So

12:15PM 25 this is the tax return you said that you filed.

12:15PM 1 And it's for tax year 2016 as indicated at the top,

12:15PM 2 right?

12:15PM 3 A Yes.

12:15PM 4 Q And do you see your name up there at the top?

12:15PM 5 A Yes.

12:15PM 6 Q If you could zoom out and now zoom in on line 12.

12:15PM 7 The figure \$11,143, what did this reflect on your tax

12:15PM 8 return?

12:15PM 9 A The income generated from the wagon.

12:15PM 10 Q If we could go now to page 15 of this document.

12:15PM 11 What are we looking at here, Ms. Tufele?

12:15PM 12 A Profit and loss for the business.

12:16PM 13 Q And was the business that's listed in A lunch wagon hot

12:16PM 14 meals? Do you see that?

12:16PM 15 A Yes.

12:16PM 16 Q And then below that, it has the Poke Shack, right?

12:16PM 17 A Yes.

12:16PM 18 Q That's the food truck that we have been talking about,

12:16PM 19 right?

12:16PM 20 A Yes.

12:16PM 21 Q If you can zoom out. On line one it asks for gross

12:16PM 22 receipts and sales.

12:16PM 23 Do you see that?

12:16PM 24 A Yes.

12:16PM 25 Q And the amount there is \$121,914; is that right?

12:16PM 1 A Yes.

12:16PM 2 Q So those are the gross receipts that the food truck took

12:16PM 3 in for the tax year 2016?

12:16PM 4 A Correct.

12:16PM 5 Q And then if we zoom out again, we go to line 31.

12:16PM 6 Is this the net profit or loss for the food truck?

12:16PM 7 A Yes.

12:16PM 8 Q And was the net profit for tax year 2016 \$11,143?

12:16PM 9 A Yes, um-hm.

12:16PM 10 Q If we can now go to page four and zoom in on the top.

12:17PM 11 So it has a preparer listed here on the bottom, Ramos

12:17PM 12 Tax Service.

12:17PM 13 Do you recognize Ramos Tax Service?

12:17PM 14 A Yes.

12:17PM 15 Q What was Ramos Tax Service?

12:17PM 16 A A company that I've gone to, to prepare my taxes for

12:17PM 17 14 years.

12:17PM 18 Q Okay. And it would also help you with your personal

12:17PM 19 taxes?

12:17PM 20 A Correct.

12:17PM 21 Q And the date -- there is a signature that starts out with

12:17PM 22 the date listed there as May 21, 2018.

12:17PM 23 Do you see that?

12:17PM 24 A Yes.

12:17PM 25 Q So this was for tax year 2016.

12:17PM 1 Why were you filing this a couple of years later in
12:18PM 2 May of 2018?
12:18PM 3 A Because I was trying to reach out to our team and everyone
12:18PM 4 was preoccupied. And I wanted to make sure the right thing was
12:18PM 5 done to file the taxes for the wagon.
12:18PM 6 Q And so you ended up filing the taxes?
12:18PM 7 A Yes.
12:18PM 8 Q So I'm going to switch gears now, and ask you if at some
12:18PM 9 point, you learned that Mr. Miller was arrested.
12:18PM 10 A Yes.
12:18PM 11 Q And what did you learn that he was arrested for?
12:18PM 12 A I think he tried to sell drugs to someone.
12:18PM 13 Q Okay. And when he was arrested, was he taken into custody
12:18PM 14 and not given bail?
12:18PM 15 A Yes.
12:18PM 16 Q So after he was arrested, did you continue to have
12:18PM 17 communications with Michael Miske?
12:18PM 18 A Yes.
12:18PM 19 Q And how did those communications occur?
12:18PM 20 A In person, phone calls, text messages.
12:19PM 21 Q And generally, can you tell us what the subject of those
12:19PM 22 conversations was?
12:19PM 23 A How each other's family is doing, how is Wayne doing, if I
12:19PM 24 need anything.
12:19PM 25 Q Did the subject of cooperation ever come up?

12:19PM 1 A Yes.

12:19PM 2 Q Tell us about that.

12:19PM 3 A So when Wayne got arrested, Mike was one of the first

12:19PM 4 people I contacted because he was our family friend. And I

12:19PM 5 told him what I knew: He got arrested, and he was going to be

12:19PM 6 in court and I would find out more info. And he said okay,

12:19PM 7 just keep me posted. And then we started text messaging over

12:19PM 8 the year. And he -- I think at one point, he started

12:19PM 9 questioning if Wayne was going to cooperate against him.

12:20PM 10 And at the time, I didn't understand what that

12:20PM 11 question meant because Wayne didn't tell me exactly what was

12:20PM 12 going on. He never really did.

12:20PM 13 Q Okay. You mentioned you have some in-person meetings with

12:20PM 14 him.

12:20PM 15 Were there multiple in-person meetings?

12:20PM 16 A Yes.

12:20PM 17 Q Where do you recall that those meetings took place?

12:20PM 18 A Like at the Row Bar across the street from here, at

12:20PM 19 Kamehameha Shopping Center, Five Guys, at the bay, at his shop.

12:20PM 20 Q And you said you would communicate with him over text

12:20PM 21 message.

12:20PM 22 How would those communications occur?

12:20PM 23 A Through an app called WhatsApp.

12:20PM 24 Q And whose idea was it, if you recall, to use WhatsApp?

12:20PM 25 A I think it was Mike's.

12:20PM 1 Q Can we show the witness only Exhibit 1-852.

12:21PM 2 Ms. Tufole, do you recognize what's on the screen as

12:21PM 3 1-852?

12:21PM 4 A Yes.

12:21PM 5 Q Did you review 1-852 before you came to here court here to

12:21PM 6 testify?

12:21PM 7 A Yes.

12:21PM 8 Q Is this a multiple page exhibit?

12:21PM 9 A Yes.

12:21PM 10 Q And what is it of?

12:21PM 11 A It's all of mine and Mike's conversations after Wayne was

12:21PM 12 arrested.

12:21PM 13 Q And how were you able to recognize this is your and

12:21PM 14 Michael Miske's conversations?

12:21PM 15 A I remember these conversations.

12:21PM 16 Q Did you provide a copy of these conversations to the FBI?

12:21PM 17 A Yes.

12:21PM 18 Q Are all these communications in 1-852, are they between

12:21PM 19 you and the defendant Michael Miske?

12:21PM 20 A Yes.

12:21PM 21 Q And did they all occur after Mr. Miske was arrested?

12:21PM 22 A Yes.

12:22PM 23 MR. NAMMAR: Your Honor, I move to admit at this time

12:22PM 24 1-852.

12:22PM 25 THE COURT: Ms. Panagakos?

12:22PM 1 MS. PANAGAKOS: Objection, lack of foundation as to
12:22PM 2 this document. It does not appear to be a forensic extraction
12:22PM 3 from the phone. So I don't know how these conversations came
12:22PM 4 to be typewritten.

12:22PM 5 THE COURT: Anything else?

12:22PM 6 MS. PANAGAKOS: No, Your Honor.

12:22PM 7 THE COURT: Objection is overruled. Document is
12:22PM 8 admitted, 1-852. You may proceed and publish if you wish.
12:22PM 9 (Exhibit 1-852 was received in evidence.)

12:22PM 10 BY MR. NAMMAR:

12:22PM 11 Q Thank you, Your Honor.

12:22PM 12 I believe I misspoke when I was asking about these
12:22PM 13 text messages.

12:22PM 14 Did they all occur after Mr. Miller was arrested?

12:22PM 15 A Yes.

12:22PM 16 Q Okay, and when was Mr. Miller arrested, if you recall?

12:22PM 17 A Somewhere around August 1, 2018.

12:22PM 18 Q Can we start with page one. There is a couple different
12:23PM 19 initials on this page. There is MM and MT.

12:23PM 20 Who do those represent?

12:23PM 21 A Michael Miske, Maile Tufele.

12:23PM 22 Q And Maile Tufele is you?

12:23PM 23 A Um-hm.

12:23PM 24 Q Is that your middle name, Maile?

12:23PM 25 A Yes.

12:23PM 1 Q If you could zoom in on "I'm at the bay" message. So this
12:23PM 2 is MM writing to you, "I'm at the bay if you want to hang out
12:23PM 3 or talk"?
12:23PM 4 A Yes.
12:23PM 5 Q That's one of the places that you said you would meet?
12:23PM 6 A Yes.
12:23PM 7 Q And that's the bay in Hawaii Kai that you said was across
12:23PM 8 from Outback?
12:23PM 9 A Yes.
12:23PM 10 Q If we could zoom in on the message at 311, it starts with
12:24PM 11 attorney and a couple below.
12:24PM 12 Do you see this message?
12:24PM 13 A Yes.
12:24PM 14 Q "Attorney say who set him up," do you see that?
12:24PM 15 A Yes.
12:24PM 16 Q Michael Miske was sending that to you?
12:24PM 17 A Yes.
12:24PM 18 Q Did you know what that referred to?
12:24PM 19 A Probably like who turned Wayne in.
12:24PM 20 Q Okay. Did you know about anything about his case that
12:24PM 21 this could have been in reference to?
12:24PM 22 A No.
12:24PM 23 Q If you zoom out and if we can look at all the messages
12:24PM 24 starting at 3:25 and 12 seconds and below.
12:24PM 25 So these messages are from Mr. Miske, right?

12:24PM 1 A Yes.

12:24PM 2 Q Okay. "He asked you who was the prosecutor. What did he

12:24PM 3 look like?" And you respond "talk Asian."

12:24PM 4 Was that a typo?

12:24PM 5 A Yes.

12:24PM 6 Q Did you mean "tall"?

12:25PM 7 A Yes.

12:25PM 8 Q Okay. How would you have known -- what is this referring

12:25PM 9 to, if you know?

12:25PM 10 A I guess Mike just wanted to get information on who was in

12:25PM 11 the room when Wayne appeared in court for the first time.

12:25PM 12 Q Okay. And how would you have known what the prosecutor

12:25PM 13 looks like?

12:25PM 14 A They are typically on the opposite side of the side that

12:25PM 15 Wayne is on.

12:25PM 16 Q Okay. And did you know why Mr. Miske was asking you about

12:25PM 17 the prosecutor?

12:25PM 18 A No.

12:25PM 19 Q Okay. We can go to page two. And zoom in on the message

12:25PM 20 that appears at 3:32 and 12 seconds.

12:25PM 21 Did his attorney give you his number?

12:25PM 22 A Yes.

12:25PM 23 Q Do you see this message?

12:25PM 24 A Yes.

12:25PM 25 Q Do you know what that is referring to?

12:25PM 1 A Did Wayne's attorney give me his phone number?

12:26PM 2 Q Did Wayne's attorney -- yes. And who was Wayne's

12:26PM 3 attorney?

12:26PM 4 A Max Mizon.

12:26PM 5 Q Did you know why Mr. Miske wanted --

12:26PM 6 A No.

12:26PM 7 Q If now we can zoom in on the message at 5:53 and

12:26PM 8 19 seconds. And go all the way down to the message, Kalei

12:26PM 9 movies. Right there, yes. So Mr. Miske tells you "three

12:26PM 10 people already reached out to me to tell me."

12:26PM 11 Do you see that?

12:26PM 12 A Yes.

12:26PM 13 Q And then he lists the name Preston's brother.

12:26PM 14 Do you see that?

12:26PM 15 A Yes.

12:26PM 16 Q Alen, and then Kalei movies; do you see that?

12:26PM 17 A Yes.

12:26PM 18 Q Did you know who these individuals were?

12:26PM 19 A Yes.

12:26PM 20 Q Who was Preston's brother?

12:26PM 21 A Well, I don't really know Preston's brother. I don't know

12:27PM 22 what his name is, but I know he worked for Mike. Alen could

12:27PM 23 either be Mike's cousin, the plumber, or Alen Kaneshiro, his

12:27PM 24 attorney. And Kalei worked at the movies with Wayne.

12:27PM 25 Q Can we now go to page three and zoom in on the top five

12:27PM 1 messages. So now we are on August 3, 2018.

12:27PM 2 Is this a couple of days after Mr. Miller was

12:27PM 3 arrested?

12:27PM 4 A Yes.

12:27PM 5 Q And Mr. Miske is telling you he emailed Migo. And then

12:27PM 6 you ask, "anything important related?" And Mr. Miske says,

12:27PM 7 "just to set up the account for now."

12:27PM 8 A Um-hm.

12:27PM 9 Q What is this in relation to, if you know?

12:28PM 10 A I believe what this is saying is Wayne emailed Migo,

12:28PM 11 meaning John Stancil, from prison.

12:28PM 12 Q Is that a nickname for Mr. Stancil?

12:28PM 13 A Yes.

12:28PM 14 Q Migo?

12:28PM 15 A Yes.

12:28PM 16 Q And if you know, could Mr. Miller email when he was in

12:28PM 17 custody?

12:28PM 18 A Yes.

12:28PM 19 Q And how did you know that?

12:28PM 20 A Because he told me and he also emailed me.

12:28PM 21 Q Okay. If you can zoom out now. And zoom in on that

12:28PM 22 message right there, 3:03:29. This message, Mr. Miske says,

12:28PM 23 "Let me know if he needs anything, when we can put money on his

12:28PM 24 books, etcetera."

12:28PM 25 Do you see that?

12:28PM 1 A Yes.

12:28PM 2 Q Do you know what the term money on the books meant?

12:28PM 3 A Yes, to send Wayne money while he's in prison.

12:28PM 4 Q Did you know what individuals that are in prison could do

12:28PM 5 with money on the books?

12:29PM 6 A Buy food.

12:29PM 7 Q If we could go to page four. Zoom in on the message at

12:29PM 8 3:08, that one right there. And below. That's good. Okay,

12:29PM 9 and this message, Mr. Miske is saying that "when I got all this

12:29PM 10 heat, Mike B stayed far away from me. Thank you."

12:29PM 11 Do you see that?

12:29PM 12 A Yes.

12:29PM 13 Q "Glad to see your true colors, one less scrub in my life."

12:29PM 14 A Um-hm.

12:29PM 15 Q Do you know who Mr. Miske was referring to when he brought

12:29PM 16 up Mike B?

12:29PM 17 A Yes Michael Buntenbah.

12:29PM 18 Q Who is Mike B?

12:29PM 19 A That was another one of Mike and Wayne's friends.

12:29PM 20 Q Okay. If we can go now to page six. And if you could

12:30PM 21 zoom in on the message that starts at 4:14 and 36 seconds and

12:30PM 22 go down about 12 messages ending with Alen right there. Alen.

12:30PM 23 Okay. Mr. Miske asked you, "Did you tell him about

12:30PM 24 Smithers?" And your response is, "Yeah, he called, and no, I

12:30PM 25 didn't." And then you say, "You're gonna wait until I see

12:30PM 1 him." And then you ask, "Is he same place?" Question mark.

12:30PM 2 And Miske responds, "yup." And then you say, "Oh, okay, yeah,

12:30PM 3 I just saw on BOP. Maybe he knows then."

12:30PM 4 So for this particular conversation, do you know

12:31PM 5 what's being discussed?

12:31PM 6 A Yes. Sometime from August 1st until this text message,

12:31PM 7 Mike had let me know that Jake Smith, who is Smithers, was also

12:31PM 8 arrested, so they were arrested within two weeks of each other.

12:31PM 9 And Mike is asking me if Wayne knows that Jake has been

12:31PM 10 arrested.

12:31PM 11 Q Okay. When you say I just saw on BOP?

12:31PM 12 A Yes.

12:31PM 13 Q What does that refer to?

12:31PM 14 A Bureau of Prisons is a website you can go on to check if

12:31PM 15 someone is incarcerated in the federal system.

12:31PM 16 Q Was Smithers a nickname?

12:31PM 17 A Yes.

12:31PM 18 Q For who?

12:31PM 19 A Jake Smith.

12:31PM 20 Q And is Jake Smith someone that you knew?

12:31PM 21 A Yes.

12:31PM 22 Q Where did you meet him?

12:31PM 23 A I think it was, like, John Stancil's friend, was the first

12:31PM 24 encounter.

12:31PM 25 Q Would you see him -- you mentioned the bay.

12:32PM 1 Would you ever see Mr. Smith at the bay?

12:32PM 2 A Yes.

12:32PM 3 Q If you could zoom out. Zoom out now. And then zoom in on

12:32PM 4 starting with the message at 4:32:13 and go down three. Okay,

12:32PM 5 that's good.

12:32PM 6 On the first message you say, "Hey, did you talk to

12:32PM 7 Alen K. today? He was in court same time as him, but not sure

12:32PM 8 if he was physically in court. Haven't heard from him since

12:32PM 9 Saturday. Still no word yet for me to visit." And then the

12:32PM 10 response from Mr. Miske is, "Alen was on another case but he

12:32PM 11 got conflicted off."

12:32PM 12 Do you see that?

12:32PM 13 A Yes.

12:32PM 14 Q What is being discussed here?

12:32PM 15 A I think I haven't heard from Wayne while he was at federal

12:33PM 16 detention center here in Hawaii, and I went to his court

12:33PM 17 hearing and I recognized Alen Kaneshiro. So I reached out to

12:33PM 18 Mike to find out if Alen notified him of any updates on Wayne's

12:33PM 19 case.

12:33PM 20 Q Who is Alen Kaneshiro?

12:33PM 21 A He was Mike's attorney. They sometimes contacted him for

12:33PM 22 any of their legal questions.

12:33PM 23 Q When Mr. Miske says Alen was on another case but got

12:33PM 24 conflicted off, did you know what that was referring to?

12:33PM 25 A At the time, no. But I'm assuming he was removed from the

12:33PM 1 case.

12:33PM 2 Q Okay. Can we go to page ten now. Can you zoom in on the

12:33PM 3 message that's at 604 and 14 seconds and the one right below

12:34PM 4 it, too. And this message, you mention that "He told me to get

12:34PM 5 help set up at Chloe's shower and get over it because I need to

12:34PM 6 stop holding grudges." And the response was, "he's right."

12:34PM 7 Do you see that?

12:34PM 8 A Yes.

12:34PM 9 Q Chloe?

12:34PM 10 A Um-hm.

12:34PM 11 Q Who is that?

12:34PM 12 A That's John Stancil's son's mom.

12:34PM 13 Q And what is the reference here to Chloe's shower?

12:34PM 14 A Around the time that Wayne and Jake got arrested, Chloe

12:34PM 15 had a baby shower and I believe their other friend Dusky Toledo

12:35PM 16 just passed away as well.

12:35PM 17 Q Okay. Did you know Chloe's last name?

12:35PM 18 A Chang.

12:35PM 19 Q Did you know whether Chloe Chang was in a relationship

12:35PM 20 with anybody else associated with Mr. Miller and Mr. Miske?

12:35PM 21 A I think so, yes.

12:35PM 22 Q Who?

12:35PM 23 A I can't remember his name.

12:35PM 24 Q Do you remember this person, what they did?

12:35PM 25 A I think he worked on the docks.

12:35PM 1 Q Okay. If you could zoom out and zoom in on the message
12:35PM 2 that says -- that's at 6:09 and 28 seconds and the two below
12:35PM 3 it. Okay. In this message you say, "He saw Smithers. He's
12:35PM 4 Ali'i's cellly." And then the response from Mr. Miske is, "And
12:36PM 5 what did he have to say about that? Heard Smithers for
12:36PM 6 himself, 100."
12:36PM 7 So in the first message that you sent, "he," who is
12:36PM 8 he?
12:36PM 9 A Wayne.
12:36PM 10 Q Okay. And when you say he saw Smithers?
12:36PM 11 A I saw Jake Smith. He is their other friend, Ali'i. I
12:36PM 12 guess they share a cell together in prison.
12:36PM 13 Q Who is Ali'i?
12:36PM 14 A One of Wayne's other friends.
12:36PM 15 Q Did you know his full name?
12:36PM 16 A Ali'i Kaanoi.
12:36PM 17 Q And when Mr. Miske says, "And what did he have to say
12:36PM 18 about that. Heard Smithers is for himself 100."
12:36PM 19 Did you know what that is referring to?
12:36PM 20 A I believe what Mike is saying is he wanted to know what
12:36PM 21 Wayne's opinion was about Jake Smith being incarcerated and
12:36PM 22 Mike thinks that Jake is for himself only.
12:37PM 23 Q Do you know whether "for himself" was referring to
12:37PM 24 cooperation?
12:37PM 25 A Maybe at the time, no, I didn't understand. But now I can

12:37PM 1 discern from this statement that he is cooperating.

12:37PM 2 Q Can we go to page 11 and zoom in on the message that

12:37PM 3 starts at 9:59 and 56 seconds all the way to the bottom. So

12:37PM 4 the first message, Mr. Miske is asking you how the visit was

12:37PM 5 and then you say, "Nothing major. His court got pushed back

12:37PM 6 until February 2019 from October 2018."

12:38PM 7 Do you see that?

12:38PM 8 A Yes.

12:38PM 9 Q Okay. Can we go to next page now. Can you zoom in on the

12:38PM 10 top four messages. Keep going down. Perfect.

12:38PM 11 Mr. Miske asks, "Why is it getting pushed back."

12:38PM 12 Do you see that?

12:38PM 13 A Yes.

12:38PM 14 Q "Can his attorney keep it on track?" And then he says, "I

12:38PM 15 thought pretrial you stay here." And you respond, "Yes, all

12:38PM 16 his dates got pushed back. His trial is for February next

12:38PM 17 year."

12:38PM 18 A Um-hm.

12:38PM 19 Q And then you say, "I think it's Jonah that's pushing it

12:38PM 20 back. He is the first on the case. Wayne is the second."

12:38PM 21 What is this referring to?

12:38PM 22 A For the reason why Wayne initially got arrested for, I

12:38PM 23 think at the time, we were all under the assumption that his

12:39PM 24 trial was supposed to be sometime in 2018. But it got pushed

12:39PM 25 back until 2019. And I think when I asked, Wayne said that

12:39PM 1 Jonah was the one pushing it back.

12:39PM 2 Q So Mr. Miske is asking for updates on Mr. Miller's trial

12:39PM 3 day. And in response you bring a person name Jonah.

12:39PM 4 You said Jonah is pushing it back; who is Jonah?

12:39PM 5 A Ortiz. The person that got arrested with Wayne.

12:39PM 6 Q If you could zoom out. And start at the message of 5:55

12:39PM 7 and 42 seconds. If you go to the pound sign. Okay. The first

12:39PM 8 message you say "What pound sign do you want him to call?" He

12:40PM 9 also asks how things are with you guys, too. And then you go

12:40PM 10 on to say, "He hasn't talked to his parents. Tomorrow will be

12:40PM 11 the first time Uncle Sterling visits." And then Mr. Miske

12:40PM 12 says, "Can I meet with Sterling before he goes?" And then the

12:40PM 13 next message is, "He can call this pound sign."

12:40PM 14 A Um-hm.

12:40PM 15 Q What is being discussed here?

12:40PM 16 A So I'm notifying Mike that Wayne's parents are going to

12:40PM 17 visit him, and Mike asked for Wayne to give him a call on this

12:40PM 18 phone number.

12:40PM 19 Q When you asked what pound sign do you want him to call,

12:40PM 20 what were you referring to?

12:40PM 21 A What phone number.

12:40PM 22 Q Okay. And then Mr. Miske says he can call this number?

12:40PM 23 A Yes.

12:40PM 24 Q Did you relay after receiving this message to Mr. Miller

12:40PM 25 what number he can contact Mr. Miske on?

12:40PM 1 A Yes.

12:41PM 2 Q There is a reference to Uncle Sterling.

12:41PM 3 A Um-hm.

12:41PM 4 Q Who is that?

12:41PM 5 A That's Wayne's dad.

12:41PM 6 Q If you can zoom out and then zoom in as "I'm going to call
12:41PM 7 uncle and rap."

12:41PM 8 Do you see that?

12:41PM 9 A Yes.

12:41PM 10 Q And all the messages below it. So Mr. Miske, when you
12:41PM 11 tell him Mr. Sterling is going to visit, we just seen the
12:41PM 12 message that Mr. Miske asked you if he could meet with
12:41PM 13 Mr. Sterling. And then Mr. Miske is telling you here I'm going
12:41PM 14 to call uncle and rap with him before his visit.

12:41PM 15 Do you see that?

12:41PM 16 A Yes.

12:41PM 17 Q Later on, Mr. Miske says, "I'll call uncs tomorrow. I
12:41PM 18 want to talk to him." And then Mr. Miske says, "please let
12:41PM 19 uncs know."

12:41PM 20 Do you see that?

12:41PM 21 A Yes.

12:41PM 22 Q Who did you understand uncs to refer to?

12:41PM 23 A Uncle Sterling.

12:41PM 24 Q Did you let Mr. Sterling know that Mr. Miske wanted to
12:42PM 25 contact him?

12:42PM 1 A Yes.

12:42PM 2 Q Can we go to page 13.

12:42PM 3 Do you see the two photos in the middle there that are

12:42PM 4 sent?

12:42PM 5 A Yes.

12:42PM 6 Q Okay. We don't have them up, but does this represent --

12:42PM 7 does this show that Miske was sending you photos?

12:42PM 8 A Yes.

12:42PM 9 Q If you could zoom out. Zoom in on the message that starts

12:42PM 10 at 6:47 and 33 seconds and all the messages below. So

12:42PM 11 Mr. Miske says, "LOL. Maybe you can print and send to him so

12:42PM 12 he's got some floral." And you say, "Yes, I will." And then

12:43PM 13 Mr. Miske says, "Let him read his son's name each day."

12:43PM 14 Do you see that?

12:43PM 15 A Yes.

12:43PM 16 Q What was this referring to?

12:43PM 17 A So for Caleb's funeral, Wayne and I made a wreath and we

12:43PM 18 put "love, John Duke" on it. And I think what this message

12:43PM 19 was, Mike was letting me know that he hasn't reviewed pictures

12:43PM 20 from his son's celebration of life until this time, and he came

12:43PM 21 across that wreath and sent it to me and asked me to print it

12:43PM 22 and send it to Wayne so he could read our son's name on it

12:43PM 23 every day. At the time, I didn't think anything of it. Only

12:43PM 24 until, like, later, it kind of felt like it was a threat.

12:43PM 25 Q Okay. So the message "you can print and send to him so

12:44PM 1 he's got some floral." What was that referring to?

12:44PM 2 A The picture that he texted me of the wreath.

12:44PM 3 Q Did you discuss this message with Mr. Miller?

12:44PM 4 A Yes.

12:44PM 5 Q And without telling us what you two talked about, did your

12:44PM 6 reaction change?

12:44PM 7 A Yes. My reaction changed after I talked to Wayne about

12:44PM 8 this photo.

12:44PM 9 Q Okay. Were you scared at that point?

12:44PM 10 A Yes.

12:44PM 11 Q Did you think about leaving Hawaii?

12:44PM 12 A Yes.

12:44PM 13 Q Did you leave Hawaii?

12:44PM 14 A No.

12:44PM 15 Q Why not?

12:44PM 16 A I didn't want to be alone with just my son, and I had all

12:44PM 17 my family and friends here.

12:44PM 18 Q Could we go to page 16. Can you zoom in on the message on

12:45PM 19 October 1, 2018, at 7:55 a.m.

12:45PM 20 So in this message, this is about two months after

12:45PM 21 Mr. Miller was arrested?

12:45PM 22 A Um-hm.

12:45PM 23 Q Mr. Miske is saying, "How were your visits? And did he

12:45PM 24 say he was going to call? I'm gonna dump this phone if not."

12:45PM 25 A Yes.

12:45PM 1 Q He, did you know who that was referring to?

12:45PM 2 A Wayne.

12:45PM 3 Q And I'm going to dump this phone.

12:45PM 4 Did you know what that was referring to?

12:45PM 5 A He's going to not use this phone number again, and phone.

12:45PM 6 Q If you know, did Mr. Miske change phones often?

12:45PM 7 A Yes.

12:46PM 8 Q At this point, October 1st, had you given Wayne any

12:46PM 9 numbers for Mike Miske?

12:46PM 10 A I think I did, yes.

12:46PM 11 Q Can we go to page 18. Can you zoom in on the last

12:46PM 12 message. This is a couple weeks later, October 23, 2018.

12:46PM 13 Mr. Miske is saying "ran into his cousin, too."

12:46PM 14 Do you see that?

12:46PM 15 A Um-hm.

12:46PM 16 Q Could you zoom out and go to the next page. Can you zoom

12:46PM 17 in on the first -- 13. Perfect.

12:46PM 18 And then you asked which one, right?

12:46PM 19 A Yes.

12:46PM 20 Q And then Mr. Miske later on says "fat one," and you say

12:46PM 21 "oh, I see"?

12:46PM 22 A Um-hm.

12:46PM 23 Q And then you say "Yeah, he wants him to call him too," and

12:47PM 24 then Mr. Miske says "he should."

12:47PM 25 Who is the fat one you're referring to here in these

12:47PM 1 messages?

12:47PM 2 A That is Wayne's cousin, Norman Akau.

12:47PM 3 Q If you know, how was Mr. Norman Akau related to

12:47PM 4 Mr. Miller?

12:47PM 5 A On his maternal side.

12:47PM 6 Q And then later on in the messages, Mr. Miske says "He

12:47PM 7 hired Brook Hart to rep him." And then you say, "I'm not

12:47PM 8 filled in on his situation. Is he in trouble?" And Mr. Miske

12:47PM 9 says, "Tell you when I see you."

12:47PM 10 Do you see that?

12:47PM 11 A Um-hm.

12:47PM 12 Q Did you know what this was referring to?

12:47PM 13 A No, but I'm assuming he is in trouble since he hired an

12:48PM 14 attorney to represent him.

12:48PM 15 Q Did you know who Brook Hart was?

12:48PM 16 A No.

12:48PM 17 Q Did you understand from this message that Brook Hart was

12:48PM 18 an attorney?

12:48PM 19 A I think I inferred from this message, yes.

12:48PM 20 Q And then Mr. Miske says, "Tell you when I see you."

12:48PM 21 What did you understand that to mean?

12:48PM 22 A He would probably want to talk to me about it in person on

12:48PM 23 why Norman was hiring an attorney.

12:48PM 24 Q Do you recall if that subject came up in some of your

12:48PM 25 in-person meetings with Mr. Miske that you've talked about?

12:48PM 1 A I can't remember.

12:48PM 2 Q Okay. We can go now to the next page. If we could zoom

12:48PM 3 in on the message starting at 8:06 and 26 seconds and go all

12:48PM 4 the way down to remember when we were at Five Guys. Okay, so

12:49PM 5 now we are a couple weeks later. And Mr. Miske tells you,

12:49PM 6 "Just keep hearing disturbing news and wanted your take on it."

12:49PM 7 And you say, "Oh, okay, disturbing about who?" And then

12:49PM 8 Mr. Miske says, "we" and you say "Oh, okay, when do you want to

12:49PM 9 meet?"

12:49PM 10 And Mr. Miske goes on to say, "I want to say no

12:49PM 11 fucking way. People keep calling and saying the same shit.

12:49PM 12 Did you hear that from him?" And your response is, "about

12:49PM 13 what?" And then you say, "yeah, he called today." And then

12:49PM 14 Mr. Miske says, "what he was considering but towards me,"

12:49PM 15 question mark, exclamation mark. And Mr. Miske says, "I

12:49PM 16 wouldn't think that, or do I? But I wanted to hear from you."

12:50PM 17 And then you say, "Okay. I'm a little lost on what you're

12:50PM 18 referring to." And he says, LOL. And then he says, "Remember

12:50PM 19 when we were at Five Guys?"

12:50PM 20 Do you see that?

12:50PM 21 A Um-hm, yes.

12:50PM 22 Q What was that message referring to?

12:50PM 23 A So I don't know at what point I was made aware of Wayne

12:50PM 24 cooperating. So at one point, I just thought Wayne was in his

12:50PM 25 own case. And when I would ask Wayne about it, when I would

12:50PM 1 meet with him, he would just say he is in trouble and he's
12:50PM 2 cooperating against Jonah and others. And I think at one point
12:50PM 3 in mine and Mike's conversations, Mike started to let me know
12:50PM 4 that he thinks Wayne is cooperating against him.

12:50PM 5 Q And the reference to Five Guys at the very bottom.

12:50PM 6 A Um-hm.

12:50PM 7 Q Did you know what that is a reference to?

12:51PM 8 A Mike and I met at Five Guys and we talked. And I think I
12:51PM 9 was telling him that Wayne is going to cooperate, but on his
12:51PM 10 own case is what Wayne had notified me about.

12:51PM 11 Q And during this in-person meeting, did you get the feeling
12:51PM 12 that Miske wanted to judge your reaction in person?

12:51PM 13 A Probably. I mean, Mike and I were good friends. He was
12:51PM 14 good to our family, so I didn't feel uncomfortable at any time
12:51PM 15 meeting up with him until these text messages started changing.

12:51PM 16 Q Are you the type of person that gives/tells when you're
12:51PM 17 meeting with people in person?

12:51PM 18 A I mean, if they are asking me a question, I would tell
12:52PM 19 them what -- my honest opinion.

12:52PM 20 Q Sometimes, is it hard for you to lie to people?

12:52PM 21 A Yes.

12:52PM 22 Q Can you go to page 21. Can you zoom in on the first ten
12:52PM 23 messages ending with "Craig just called me and said that."

12:52PM 24 Is this just a continuation of the same conversation
12:52PM 25 we were looking at?

12:52PM 1 A Yes.

12:52PM 2 Q Mr. Miske says in the middle there, "Let's say they give

12:52PM 3 him ten for handing me over. You think he would?" Question

12:52PM 4 mark, and you say no. Right?

12:52PM 5 A Yes.

12:52PM 6 Q And then Mr. Miske says, "Okay, I just wanted to hear it

12:53PM 7 from you. I don't think so either. I've been a good friend to

12:53PM 8 him and I hope they don't turn him against me. It would break

12:53PM 9 my heart."

12:53PM 10 Do you see that?

12:53PM 11 A Yes.

12:53PM 12 Q Did you understand what the reference to give him ten

12:53PM 13 meant?

12:53PM 14 A Yes, to give him, like, a lesser sentence than what he was

12:53PM 15 looking at.

12:53PM 16 Q And you tell him no, he wouldn't cooperate?

12:53PM 17 A I told him no, I don't think he would cooperate.

12:53PM 18 Q At this point, did you know that Mr. Miller was

12:53PM 19 cooperating against Mr. Miske?

12:53PM 20 A I don't remember. I don't remember if this was the time

12:53PM 21 so I can't answer that.

12:53PM 22 Q At some point down the line, did you later know?

12:53PM 23 A Yes.

12:53PM 24 Q And after you knew, were you trying to give Mr. Miske

12:53PM 25 assurances that Mr. Miller was not cooperating against him?

12:53PM 1 A Correct.

12:53PM 2 Q Why were you doing that?

12:53PM 3 A We were family/friends and we would see each other all the

12:54PM 4 time, and it would be odd for us to not talk or see each other

12:54PM 5 anymore. And it was at the time when I was thinking of moving

12:54PM 6 or staying here.

12:54PM 7 Q Why were you thinking of moving?

12:54PM 8 A Because when -- the point when I did find out Wayne was

12:54PM 9 cooperating, Wayne said I should be afraid for my life and my

12:54PM 10 son's life and that I should move.

12:54PM 11 Q So this reference here at the bottom, "Craig just called

12:54PM 12 me and said that."

12:54PM 13 Do you see that?

12:54PM 14 A Yes.

12:54PM 15 Q Who is Craig?

12:54PM 16 A Mike's cousin.

12:54PM 17 Q Did you know where Craig lived?

12:54PM 18 A Las Vegas.

12:54PM 19 Q If you could zoom in now at the message at 8:18 and

12:54PM 20 42 seconds and the one right below it.

12:54PM 21 Is this later the same day, still on November 2, 2018?

12:55PM 22 A Yes.

12:55PM 23 Q Mr. Miske asks "Can you meet -- make time to meet me

12:55PM 24 before you meet him this weekend? Let me know, even if just

12:55PM 25 for five minutes."

12:55PM 1 Do you see that?

12:55PM 2 A Yes.

12:55PM 3 Q What is this referring to?

12:55PM 4 A To meet up with Mike to talk story for a little bit.

12:55PM 5 Q If you could go zoom out, and you scroll down near

12:55PM 6 Starbucks.

12:55PM 7 And this is the next day?

12:55PM 8 A Yes.

12:55PM 9 Q And you are discussing a meeting at Starbucks?

12:55PM 10 A Correct.

12:55PM 11 Q Do you recall meeting with him at Starbucks?

12:55PM 12 A Yes.

12:55PM 13 Q Was that one of those in-person meetings that you've

12:55PM 14 talked about?

12:55PM 15 A Yes.

12:55PM 16 Q Now, you told us about these in-person meetings.

12:55PM 17 When you had them with Mr. Miske, did the name Lance

12:55PM 18 Bermudez ever come up?

12:55PM 19 A Not that I can recall.

12:55PM 20 Q Do you recall looking into where Mr. Bermudez was housed?

12:55PM 21 Which prison?

12:56PM 22 A Yes. Now, I didn't know who that guy was. But Mike or

12:56PM 23 Wayne mentioned him a couple of times. And so I think Mike may

12:56PM 24 have asked me a question about him or something.

12:56PM 25 Q Okay. And after you were asked that question, did you

12:56PM 1 look into the BOP locator that you talked about before, where
12:56PM 2 you could figure out where someone is housed?
12:56PM 3 A Yes.
12:56PM 4 Q What did you find out?
12:56PM 5 A That Lance was in FDC where Wayne was.
12:56PM 6 Q Do you recall whether you reported that information back
12:56PM 7 to Mr. Miske?
12:56PM 8 A Yes.
12:56PM 9 Q In your in-person meetings with Mr. Miske, did the subject
12:56PM 10 of the FBI ever come up?
12:56PM 11 A Yes.
12:56PM 12 Q What do you recall being talked about with respect to the
12:56PM 13 FBI?
12:56PM 14 A Somehow, our conversation led to where Wayne's car was
12:57PM 15 being held. And Wayne got picked up for drug charges but his
12:57PM 16 car was being held at the FBI building.
12:57PM 17 Q And did Mr. Miske ask you about the fact that Mr. Miller's
12:57PM 18 car was at the FBI?
12:57PM 19 A He did.
12:57PM 20 Q What did he ask you about that?
12:57PM 21 A I don't really remember the conversation, but something to
12:57PM 22 like, why would his car be at the FBI if he got picked up on
12:57PM 23 drug charges.
12:57PM 24 Q Did you understand at that time that another agency, the
12:57PM 25 DEA was investigating Mr. Miller for the drug charges?

12:57PM 1 A I'm sorry. Could you repeat that again?

12:57PM 2 Q Did you understand at that time that another agency,

12:57PM 3 federal agency, the DEA was investigating Mr. Miske for drug

12:57PM 4 charges?

12:57PM 5 A Oh, not -- I didn't know about Mike. I knew that the DEA

12:57PM 6 was investigating Wayne because they were the ones that

12:58PM 7 notified me he got arrested.

12:58PM 8 Q If we can flip to page 22 and zoom in on the message

12:58PM 9 November 6, 2018, at 11:25 and 55 seconds. And then go four

12:58PM 10 down. Okay. In the first message Mr. Miske says, "He told me

12:58PM 11 that he was going to call Migo. So tell him I'm going to give

12:58PM 12 Migo my phone that's already approved and he can call when he's

12:58PM 13 ready, but Migo will have that same number. Please let him

12:58PM 14 know." And Mr. Miske says, "Migo was very happy to hear we

12:58PM 15 talked."

12:59PM 16 Did you know what this is in reference to?

12:59PM 17 A I'm assuming that Wayne called -- I think Wayne called

12:59PM 18 Migo or Mike, one of them, and that John, who was Migo, was

12:59PM 19 happy that they talked.

12:59PM 20 Q Okay. And the reference to "I'm going to give my phone

12:59PM 21 that's already approved," did you know what that was referring

12:59PM 22 to?

12:59PM 23 A So, Wayne would have to get phone numbers pre-approved

01:00PM 24 before he made outgoing calls. So I believe one of the numbers

01:00PM 25 Mike had was pre-approved.

01:00PM 1 Q And when Mr. Miske says, Migo was very happy to hear we
01:00PM 2 talked, did you know who he was referring to had talked?
01:00PM 3 A Wayne and Mike spoke and John was happy that they talked.
01:00PM 4 MR. NAMMAR: We can show -- Your Honor, may we publish
01:00PM 5 1-855, which I believe is already in evidence.
01:00PM 6 THE COURT: Yes, you may. It has been admitted.
01:00PM 7 BY MR. AKINA:
01:00PM 8 Q Ms. Tufele, do you recognize this photo?
01:00PM 9 A Yes.
01:00PM 10 Q What is it?
01:00PM 11 A This is the wreath we were talking about that Wayne and I
01:01PM 12 had made for Caleb's funeral with our son's name on it that
01:01PM 13 Mike asked me to print and give to Wayne so he could look at
01:01PM 14 it.
01:01PM 15 Q And this is the photo that you guys had texted about that
01:01PM 16 we had previously gone over?
01:01PM 17 A Yes, correct.
01:01PM 18 Q Can we show the witness only now 1-858.
01:01PM 19 Do you recognize this photo?
01:01PM 20 A Yes.
01:01PM 21 Q What is it?
01:01PM 22 A It's a photo of Mike and I at our mutual friend's funeral.
01:01PM 23 Q Is this an accurate photo of you and Mike at that funeral?
01:01PM 24 A I'm sorry. Could you repeat that again?
01:01PM 25 Q Is this an accurate picture of you from that funeral?

01:01PM 1 A Yes.

01:01PM 2 MR. NAMMAR: I move to admit 1-858.

01:02PM 3 THE COURT: Any objection?

01:02PM 4 MS. PANAGAKOS: No objection.

01:02PM 5 THE COURT: Without objection, 1-858 is admitted. You

01:02PM 6 may publish.

01:02PM 7 (Exhibit 1-858 was received in evidence.)

01:02PM 8 BY MR. NAMMAR:

01:02PM 9 Q Ms. Tufele, the jury can see 1-858.

01:02PM 10 Whose funeral was this?

01:02PM 11 A Hansen Apo.

01:02PM 12 Q And who was Hansen Apo?

01:02PM 13 A One of our mutual friends.

01:02PM 14 Q Can we show the witness only 1-860. And 1-859.

01:02PM 15 Ms. Tufele, did you recognize these two photos?

01:02PM 16 A Yes.

01:02PM 17 Q What are they of?

01:02PM 18 A GPS trackers.

01:02PM 19 Q And did you come in contact with these trackers and

01:02PM 20 provide them to the FBI?

01:02PM 21 A Yes.

01:02PM 22 Q Do they accurately depict the tracker that you came in

01:03PM 23 contact with and provided to the FBI?

01:03PM 24 A Yes.

01:03PM 25 MR. NAMMAR: Your Honor, I would move to admit 1-860

01:03PM 1 and 1-859.

01:03PM 2 THE COURT: Any objection, counsel?

01:03PM 3 MS. PANAGAKOS: No objection.

01:03PM 4 THE COURT: Without objection, those two exhibits,

01:03PM 5 1-859 and 1-860 are each admitted. You may publish.

01:03PM 6 (Exhibits 1-859 and 1-860 were received in evidence.)

01:03PM 7 BY MR. NAMMAR:

01:03PM 8 Q If we could start with 1-859 which is on the screen.

01:03PM 9 Ms. Tufele, what is this?

01:03PM 10 A GPS tracker.

01:03PM 11 Q Where did you come across this?

01:03PM 12 A In my car.

01:03PM 13 Q When did you come across this in your car?

01:03PM 14 A Sometime after Wayne was arrested.

01:03PM 15 Q Where was it in your car?

01:03PM 16 A My trunk.

01:03PM 17 Q Did you give this to the FBI after you found it?

01:03PM 18 A Yes.

01:03PM 19 Q Can you put up 1-860 now.

01:03PM 20 What's shown here, Ms. Tufele?

01:03PM 21 A The back of the tracker.

01:04PM 22 Q Do you see the writing on there, number one?

01:04PM 23 A Um-hm.

01:04PM 24 Q Did you put that on there?

01:04PM 25 A No.

01:04PM 1 Q Do you know who did?

01:04PM 2 A No.

01:04PM 3 Q Is this another photo of the tracker that you gave to the

01:04PM 4 FBI?

01:04PM 5 A Yes.

01:04PM 6 Q Can we show the witness 1-546.

01:05PM 7 Do you recognize this photo?

01:05PM 8 A Yes.

01:05PM 9 Q What is this of?

01:05PM 10 A Of Caleb's graduation from high school.

01:05PM 11 Q Is this an accurate picture of Caleb's graduation from

01:05PM 12 high school?

01:05PM 13 A Yes.

01:05PM 14 Q Do you recognize the number of the individuals in this

01:05PM 15 photo?

01:05PM 16 A Yes.

01:05PM 17 Q Were you present at that event?

01:05PM 18 A No.

01:05PM 19 Q Do you recognize the person that's in the bottom kneeling

01:05PM 20 down?

01:05PM 21 A Yes.

01:05PM 22 Q With the blue shirt on, who is that?

01:05PM 23 A Hansen.

01:05PM 24 Q Is that the person you talked about before?

01:05PM 25 A Yes.

01:05PM 1 Q And then the person just to the right-hand, do you
01:05PM 2 recognize that person?
01:05PM 3 A Yes.
01:05PM 4 Q Who is that?
01:05PM 5 A Jason Yokoyama.
01:05PM 6 Q The person with all the leis around him, do you recognize
01:06PM 7 that person?
01:06PM 8 A Yes. Caleb.
01:06PM 9 Q And the person to the right, do you recognize that person?
01:06PM 10 A Mike.
01:06PM 11 Q The person on the far right that's wearing the black, do
01:06PM 12 you recognize that person?
01:06PM 13 A Fredo.
01:06PM 14 MR. NAMMAR: Your Honor, I'd move to admit 1-546.
01:06PM 15 THE COURT: Any objection, counsel?
01:06PM 16 MS. PANAGAKOS: No objection, Your Honor.
01:06PM 17 THE COURT: Without objection 1-546 is admitted. You
01:06PM 18 may publish.
01:06PM 19 (Exhibit 1-546 was received in evidence.)
01:06PM 20 BY MR. NAMMAR:
01:06PM 21 Q 1-546 is on the screen. I'll just walk through these
01:06PM 22 individuals if you know them. The person on the far left is
01:06PM 23 standing up giving the shaka.
01:06PM 24 Who do you recognize that to be?
01:06PM 25 A John Stancil.

01:06PM 1 Q And the person directly to his right in the white T-shirt,
01:06PM 2 who do you recognize that to be?
01:06PM 3 A Andrew Kim.
01:06PM 4 Q And the person right next to Mr. Kim with the leis?
01:06PM 5 A Caleb Miske.
01:06PM 6 Q And the person just to the right with the white shirt?
01:06PM 7 A Mike Miske.
01:07PM 8 Q And then the person to the right of that in the aloha
01:07PM 9 shirt giving the shaka?
01:07PM 10 A His cousin, Josiah Akau.
01:07PM 11 Q Did you know what Mr. Akau did for a living, Josiah Akau?
01:07PM 12 A Yes, he is a firefighter.
01:07PM 13 Q The person just to the right of Mr. Akau?
01:07PM 14 A Russell Moscato.
01:07PM 15 Q Do you know what Mr. Moscato did for work?
01:07PM 16 A Longshoreman.
01:07PM 17 Q And the person just to the right in the black shirt?
01:07PM 18 A Alfredo Cabael.
01:07PM 19 Q Is that the same Alfredo that you talked about earlier
01:07PM 20 that was Mr. Miske's right hand man?
01:07PM 21 A Yes.
01:07PM 22 Q And the person in the plaid shirt, blue shirt on the
01:07PM 23 bottom throwing the shaka; who is that?
01:07PM 24 A Hansen Apo.
01:07PM 25 Q That's the funeral that you went to with Mr. Miske?

01:07PM 1 A Yes.

01:07PM 2 Q The person just to the right of that in the white Polo

01:08PM 3 shirt kneeling down, who is that?

01:08PM 4 A Jason Yokoyama.

01:08PM 5 Q Mr. Kim, Drew Kim, if you know, what did he do for work?

01:08PM 6 A He worked as a longshoreman as well.

01:08PM 7 Q Do you recall attending a birthday dinner for Heather

01:08PM 8 Freeman at a Waikiki steakhouse?

01:08PM 9 A Yes.

01:08PM 10 Q At that birthday dinner, did the subject of cooperation

01:08PM 11 come up?

01:08PM 12 A I don't think so. I don't recall.

01:08PM 13 Q Do you recall whether at that dinner you were given a

01:08PM 14 phone number from Mr. Miske to pass to Mr. Miller?

01:08PM 15 A I can't exactly recall, but it sounds like it could have

01:09PM 16 happened.

01:09PM 17 Q Okay. And you've testified previously before that you

01:09PM 18 gave a particular phone number to Mr. Miske -- or excuse me,

01:09PM 19 that Mr. Miske asked you to relay a particular phone number to

01:09PM 20 Mr. Miller; is that right?

01:09PM 21 A Yes.

01:09PM 22 Q And that you passed that number along to Mr. Miller; is

01:09PM 23 that right?

01:09PM 24 A Yes.

01:09PM 25 Q Okay. What phone number, if you recall, did you give to

01:09PM 1 Mr. Miller for Mr. Miske?

01:09PM 2 A I don't remember.

01:09PM 3 Q You think it was the same one that you were communicating

01:09PM 4 on with him in these WhatsApp messages?

01:09PM 5 A I don't remember.

01:09PM 6 MR. NAMMAR: Pass the witness, Your Honor.

01:09PM 7 THE COURT: All right. Ms. Panagakos, cross when you

01:09PM 8 are ready.

01:09PM 9 CROSS-EXAMINATION

01:09PM 10 BY MS. PANAGAKOS:

01:09PM 11 Q Good afternoon, Ms. Tufole. The WhatsApp message that

01:10PM 12 you've been testifying about, they are printed out in sort of

01:10PM 13 typewritten form now, but when you got them, you got them in

01:10PM 14 your phone, right?

01:10PM 15 A Um-hm.

01:10PM 16 Q And so it looked like a screenshot, like what we can see

01:10PM 17 on our cell phones?

01:10PM 18 A Um-hm.

01:11PM 19 MS. PANAGAKOS: And can we show the witness 1-855?

01:11PM 20 THE COURT: Go ahead.

01:11PM 21 BY MS. PANAGAKOS:

01:11PM 22 Q And this is a photo of the flowers you and Wayne and your

01:11PM 23 son gave at Caleb's celebration of life, right.

01:11PM 24 And Mr. Miske texted those to you in this WhatsApp

01:11PM 25 chat, right?

01:11PM 1 A Yes.

01:11PM 2 Q And can we show the witness only Exhibit 9051-003.

01:11PM 3 Do you recognize that?

01:11PM 4 A Um-hm.

01:11PM 5 Q And then can we show the witness 9051-004.

01:12PM 6 So this is what had it actually looked like when you

01:12PM 7 received it -- this text message in your phone, right?

01:12PM 8 A Yes.

01:12PM 9 MS. PANAGAKOS: Your Honor, I would move to admit and

01:12PM 10 publish exhibits 9051-003 and 9051-004.

01:12PM 11 MR. NAMMAR: No objection.

01:12PM 12 THE COURT: No objection, is that what you said?

01:12PM 13 MR. NAMMAR: Yes, Your Honor.

01:12PM 14 THE COURT: Without objection, those two exhibits are

01:12PM 15 admitted, 9015-003 and 004. You may publish.

01:12PM 16 (Exhibits 9015-003 and 9015-004 were received in evidence.)

01:12PM 17 BY MS. PANAGAKOS:

01:12PM 18 Q Can we start with 9051-003.

01:12PM 19 And Ms. Tufele, you see at the top, the date

01:12PM 20 September 19th.

01:12PM 21 That's the date you received the text, right?

01:12PM 22 A Yes.

01:12PM 23 Q And then can we look at 9051-004. And this is the message

01:12PM 24 that Mr. Miske sent to you with this photo, "I never had the

01:13PM 25 courage to look through the pics until today. Just wanted to

01:13PM 1 say thank you."

01:13PM 2 A Yes.

01:13PM 3 Q And you said you're welcome.

01:13PM 4 A Um-hm.

01:13PM 5 Q And this was a message from a friend?

01:13PM 6 A Yes.

01:13PM 7 Q And you shared grief because you both lost Caleb.

01:13PM 8 You were close with Caleb, right?

01:13PM 9 A Yes.

01:13PM 10 Q And so you didn't consider this to be threatening when you received it?

01:13PM 11 A No.

01:13PM 12 Q Can we turn to Exhibit 1-852, which has been admitted.

01:13PM 13 A And go to page 13. And then can we zoom in on the portion --

01:14PM 14 the portion that I've -- can we zoom in on that and then I'll

01:14PM 15 clear this?

01:14PM 16 So that indicates the photos and the message that's in

01:14PM 17 the photo, right?

01:14PM 18 A Um-hm.

01:14PM 19 Q And can we go down from there, Ms. King. Are we able

01:14PM 20 to -- let's go back to the whole page. Are we able to do --

01:14PM 21 MR. KENNEDY: Counsel can you publish that?

01:14PM 22 MS. PANAGAKOS: Is it published? I believe it is.

01:14PM 23 THE COURT: Do you wish to publish?

01:14PM 24 MS. PANAGAKOS: Yes, please.

01:14PM 1 THE COURT: All right.

01:14PM 2 BY MS. PANAGAKOS:

01:14PM 3 Q So this is a conversation with a friend?

01:14PM 4 A Yes.

01:14PM 5 Q Mr. Miske is asking you "How's braddah?" That's a

01:14PM 6 reference to Wayne, right?

01:14PM 7 A Um-hm.

01:15PM 8 Q He has been carrying it on him, correct?

01:15PM 9 A Um-hm.

01:15PM 10 Q You shared that you didn't have good visits with him. He

01:15PM 11 is pushing you away.

01:15PM 12 Mike's expressing concern, asking how so, right?

01:15PM 13 A Correct.

01:15PM 14 Q And you're actually saying you're hoping that when

01:15PM 15 Mr. Miller calls Mike, that they can talk and that Mike can let

01:15PM 16 him know he doesn't have to go through this alone?

01:15PM 17 A Right.

01:15PM 18 Q And then you talk about the wreath.

01:15PM 19 And you say that Wayne designed the wreath?

01:15PM 20 A Yes.

01:15PM 21 Q Do you see that?

01:15PM 22 A Yes.

01:15PM 23 Q And then can we scroll down a little bit further. And

01:15PM 24 then you see you say -- he says "Maybe you can print them and

01:15PM 25 send him so he's got some floral."

01:15PM 1 A Correct, yes.

01:16PM 2 Q So you never thought this message was threatening until

01:16PM 3 Wayne said things to you to change your mind?

01:16PM 4 A At the time when I received this message, I did not think

01:16PM 5 it was threatening.

01:16PM 6 Q And then, in fact, you've continued to have a friendship

01:16PM 7 with Mr. Miske, correct?

01:16PM 8 A Yes.

01:16PM 9 Q And if we could turn to page 17 and highlight the bottom

01:16PM 10 portion from where October 16th starts. And -- I'm sorry,

01:16PM 11 Ms. King, just go a little bit above.

01:16PM 12 So you can see here on October 16th, you initiate

01:16PM 13 contact with Mr. Miske, right?

01:16PM 14 A Um-hm.

01:16PM 15 Q And you tell him about a trip to Disneyland.

01:17PM 16 A Sorry. I don't see the Disneyland.

01:17PM 17 Q "How was Disneyland," he asks you.

01:17PM 18 A Yes.

01:17PM 19 Q And then you send him a photo now, right?

01:17PM 20 A Um-hm, yes.

01:17PM 21 Q Can we show the witness Exhibit 9051-047.

01:17PM 22 And this is the photo you texted your friend Mr. Miske

01:17PM 23 at this time in October of 2018, right?

01:17PM 24 A Um-hm.

01:17PM 25 Q And that's a photo of you and your son at Disneyland?

01:17PM 1 A Yes.

01:17PM 2 Q And then you continued during this time to go spend time

01:17PM 3 with Mr. Miske and his family at the bay, right?

01:18PM 4 A Yes.

01:18PM 5 MS. PANAGAKOS: And could we go -- did I move to admit

01:18PM 6 9051?

01:18PM 7 THE COURT: 9051 dash --

01:18PM 8 MS. PANAGAKOS: 047, sorry, Your Honor.

01:18PM 9 THE COURT: No, you have not.

01:18PM 10 MS. PANAGAKOS: I would like to move to admit

01:18PM 11 9051-047.

01:18PM 12 THE COURT: Any objection, Mr. Nammar?

01:18PM 13 MR. NAMMAR: No objection.

01:18PM 14 THE COURT: Without objection 9051-47 is admitted.

01:18PM 15 (Exhibit 9051-047 was received in evidence.)

01:18PM 16 MS. PANAGAKOS: May we publish?

01:18PM 17 THE COURT: Yes, you may.

01:18PM 18 BY MS. PANAGAKOS:

01:18PM 19 Q So again, that's the photo of you guys at Disneyland?

01:18PM 20 A Um-hm.

01:18PM 21 Q And then you initiated -- if we can go back to 1-852.

01:19PM 22 Page 19. And then at this part where there is one entry on

01:19PM 23 October 23rd and the next one is on October 31st.

01:19PM 24 So again, Ms. Tufele, this is you reaching out to your

01:19PM 25 friend?

01:19PM 1 A Yes.

01:19PM 2 Q Mr. Miske?

01:19PM 3 A Um-hm.

01:19PM 4 Q And this is now Halloween?

01:19PM 5 A Yes.

01:19PM 6 Q Mr. Miller has been in custody for almost three months?

01:19PM 7 A Um-hm.

01:19PM 8 Q You know he is cooperating?

01:19PM 9 A I don't know at what time I found out he was cooperating.

01:20PM 10 Q You were not aware that he was a confidential informant

01:20PM 11 for the FBI since June of 2017?

01:20PM 12 A No.

01:20PM 13 Q Can we turn to page 20, please, of 1-852. Up at the

01:20PM 14 second line, you see you're texting another photo.

01:20PM 15 Do you see that?

01:20PM 16 A Yes.

01:20PM 17 Q Can we show the witness 9051-048.

01:20PM 18 Is this the photo -- the Halloween photo that you

01:20PM 19 texted to Mr. Miske?

01:20PM 20 A Yes.

01:20PM 21 MS. PANAGAKOS: I would move to admit this photo, Your

01:20PM 22 Honor, 9051-048.

01:20PM 23 THE COURT: Any objection?

01:20PM 24 MR. NAMMAR: No objection.

01:21PM 25 THE COURT: Without objection 9051-48 is admitted.

01:21PM 1 You may publish.

01:21PM 2 (Exhibit 9051-048 was received in evidence.)

01:21PM 3 BY MS. PANAGAKOS:

01:21PM 4 Q So you texted this to share your Halloween time with your

01:21PM 5 son to share a photo of that with your friend, Mr. Miske?

01:21PM 6 A Yes.

01:21PM 7 Q And your friendship continued through Christmas, right?

01:21PM 8 A Like I said, I don't know at what point I found out he was

01:21PM 9 cooperating, and yes.

01:21PM 10 Q Can we go back to Exhibit 1-852 and go to page 25. And

01:21PM 11 you see a text on Christmas day.

01:22PM 12 You text a photo to your friend, Mr. Miske, right?

01:22PM 13 A Yes.

01:22PM 14 Q Can we show Ms. Tufele Exhibit 9051-049.

01:22PM 15 Is that the photo you texted your friend Mr. Miske on

01:22PM 16 Christmas day?

01:22PM 17 A Yes.

01:22PM 18 MS. PANAGAKOS: Move to admit 9051-049.

01:22PM 19 THE COURT: Mr. Nammar?

01:22PM 20 MR. NAMMAR: No objection.

01:22PM 21 THE COURT: Without objection 9051-49 is admitted.

01:22PM 22 You may publish.

01:22PM 23 (Exhibit 9051-49 was received in evidence.)

01:22PM 24 BY MS. PANAGAKOS:

01:22PM 25 Q And so this is your son JD and his Christmas attire,

01:22PM 1 right?

01:22PM 2 A Yes.

01:22PM 3 Q And may we turn back to 1-852 page 25. And you see after

01:23PM 4 Mr. Miske receives the photo, he says, "Merry Christmas. Hope

01:23PM 5 you're doing okay. Love you guys."

01:23PM 6 A Yes.

01:23PM 7 Q And throughout this time, he kept telling you he loved you

01:23PM 8 guys, right?

01:23PM 9 A Yes.

01:23PM 10 Q And asked if there was anything he could do for you?

01:23PM 11 A Yes.

01:23PM 12 Q Told you he was there if you needed anything?

01:23PM 13 A Yes.

01:23PM 14 Q For you, for your son?

01:23PM 15 A Yes.

01:23PM 16 Q And you felt the same way, "kiss the princess for us."

01:23PM 17 That's Nila, right?

01:23PM 18 A Yes.

01:23PM 19 Q And again, New Years, day before New Years, you tell

01:23PM 20 Mr. Miske you love him?

01:23PM 21 A Yes.

01:23PM 22 Q Ali'i, Justin Wilcox, that was Wayne's friend, right?

01:24PM 23 A Yes.

01:24PM 24 Q Not Mike's friend?

01:24PM 25 A Correct.

01:24PM 1 Q And Gursh, Wayne Kahale Gursh. That was Wayne's friend?

01:24PM 2 A Yes.

01:24PM 3 Q And Ali'i girlfriend Sharise, (phonetic) you were friends

01:24PM 4 with her?

01:24PM 5 A Yes.

01:24PM 6 Q So that was a separate circle of friends, right?

01:24PM 7 A Yes.

01:24PM 8 Q And you are aware that Ali'i is a drug dealer, right?

01:24PM 9 A Now I am, yes.

01:24PM 10 Q You knew in about August, September 2017 he got arrested?

01:24PM 11 A Yes.

01:24PM 12 Q And are you aware that Wayne was dealing drugs for Ali'i?

01:24PM 13 A No.

01:24PM 14 Q You weren't aware that he was dealing pounds and pounds,

01:24PM 15 six figures worth he was making?

01:24PM 16 A No, he lived a separate life.

01:24PM 17 Q What about when he got out of the halfway house in January

01:24PM 18 of 2014.

01:24PM 19 He moved in with you, right?

01:25PM 20 A We shared an apartment, yes.

01:25PM 21 Q And you fell in love?

01:25PM 22 A Yes.

01:25PM 23 Q And you got pregnant?

01:25PM 24 A Yes.

01:25PM 25 Q You lived together?

01:25PM 1 A Yes.

01:25PM 2 Q Until the surgery and the oxycodone, you were a family?

01:25PM 3 A Correct.

01:25PM 4 Q And you socialized with one group of friends, Mike and

01:25PM 5 Heather, Delia, and Nila?

01:25PM 6 A Yes.

01:25PM 7 Q And another group of friends, which was Gursh and Ali'i?

01:25PM 8 A Yes.

01:25PM 9 Q And up until the surgery, you were living together as a

01:25PM 10 family?

01:25PM 11 A Yes.

01:25PM 12 Q And you would help him -- you worked I think for the

01:25PM 13 Marriott?

01:25PM 14 A Yes.

01:25PM 15 Q And you would assist Wayne when he wanted to take trips to

01:25PM 16 Las Vegas and California?

01:25PM 17 A Yes.

01:25PM 18 Q And he would go to Las Vegas to see Gursh?

01:25PM 19 A Sometimes, yes.

01:25PM 20 Q And all the while --

01:25PM 21 A He went there for rehab as well.

01:25PM 22 Q Do you remember when that was?

01:25PM 23 A 2017.

01:25PM 24 Q Towards the end, right?

01:25PM 25 A I don't recall.

01:25PM 1 Q And so before the relapse, you had no idea that he was
01:26PM 2 making six figures selling many, many pounds of methamphetamine
01:26PM 3 and cocaine?
01:26PM 4 A No.
01:26PM 5 Q That he was getting from Ali'i?
01:26PM 6 A No.
01:26PM 7 Q And Gursh?
01:26PM 8 A No.
01:26PM 9 Q And Sam Kuana; do you know him?
01:26PM 10 A I think he is Wayne's cousin.
01:26PM 11 Q And the Poke Shack, that was Wayne's idea?
01:26PM 12 A Yes.
01:26PM 13 Q Wayne wanted that business?
01:26PM 14 A Yes.
01:26PM 15 Q And Mike supported him?
01:26PM 16 A Correct.
01:26PM 17 Q Mike wanted to help his friend?
01:26PM 18 A Yes.
01:26PM 19 Q And Mike was in a position to do that?
01:26PM 20 A Yes.
01:26PM 21 Q Because he'd worked hard for many, many years and he was
01:26PM 22 successful?
01:26PM 23 A Yes.
01:26PM 24 Q And so he invested in this business?
01:26PM 25 A Yes.

01:26PM 1 Q There is no agreement to say he was an owner; he was going
01:26PM 2 to take profits or anything like that?
01:26PM 3 A Correct.
01:26PM 4 Q And so Wayne asked you to be the owner?
01:26PM 5 A Yes.
01:26PM 6 Q And you agreed to put your name on the documents as a
01:26PM 7 member/manager?
01:26PM 8 A Yes.
01:26PM 9 Q Which is an owner?
01:26PM 10 A Yes.
01:26PM 11 Q And that was you and Jason and the paperwork?
01:27PM 12 A Yes.
01:27PM 13 Q Mike didn't ask you to do that?
01:27PM 14 A No.
01:27PM 15 Q Wayne did?
01:27PM 16 A Yes.
01:27PM 17 Q And then Wayne got sick and couldn't help?
01:27PM 18 A Yes.
01:27PM 19 Q Mike never said he wanted to operate the food truck; he
01:27PM 20 was just helping his friend?
01:27PM 21 A Yes.
01:27PM 22 Q And so you took it upon yourself to report the income and
01:27PM 23 expenses?
01:27PM 24 A Yes.
01:27PM 25 Q And it was an accurate tax return?

01:27PM 1 A Yes.

01:27PM 2 Q And you took deductions for the depreciation of the

01:27PM 3 equipment and everything?

01:27PM 4 A Yes.

01:27PM 5 Q And Mike -- I think there was a profit of \$11,000 on your

01:27PM 6 tax return?

01:27PM 7 A Based on the receipts and everything that I had, that was

01:27PM 8 my best judgment.

01:27PM 9 Q Correct, I mean, yeah. It was accurate to the best of

01:27PM 10 your ability?

01:27PM 11 A Yes.

01:27PM 12 Q And you paid self-employment tax on that?

01:27PM 13 A I think so, yes.

01:27PM 14 Q And you got a tax refund that year?

01:27PM 15 A Yes.

01:27PM 16 Q And Mike didn't get any of those profits?

01:27PM 17 A Okay, yes.

01:27PM 18 Q And so when the business failed, or when you decided to

01:27PM 19 close, he sold the truck that he bought?

01:28PM 20 A Yes.

01:28PM 21 Q That's it?

01:28PM 22 A Correct.

01:28PM 23 Q The GPS tracker that you turned into the FBI?

01:28PM 24 A Yes.

01:28PM 25 Q Are you aware that Wayne said he had left that in your car

01:28PM 1 on accident?

01:28PM 2 A He didn't let me know that.

01:28PM 3 Q And you are aware that he purchased GPS trackers sometimes

01:28PM 4 from his cousin Sheena, right?

01:28PM 5 A I know that now.

01:29PM 6 MS. PANAGAKOS: May we show the witness

01:29PM 7 Exhibit 9051-036.

01:29PM 8 THE COURT: All right.

01:29PM 9 BY MS. PANAGAKOS:

01:29PM 10 Q Ms. Tufele, this is an extraction of messages from one of

01:29PM 11 Wayne Miller's cell phones that was seized when he was

01:29PM 12 arrested. And you recognize your phone number as

01:30PM 13 (808) 589-6244?

01:30PM 14 A Yes.

01:30PM 15 Q And you are the contact?

01:30PM 16 A Yes.

01:30PM 17 Q You recognize this conversation is about Sheena needing to

01:30PM 18 get a hold of him -- Wayne?

01:30PM 19 A Yes.

01:30PM 20 MS. PANAGAKOS: I would move to admit 9051-036, Your

01:30PM 21 Honor.

01:30PM 22 THE COURT: Any objection?

01:30PM 23 MR. NAMMAR: Object to relevance 403. These are also

01:30PM 24 hearsay. They are not state of mind messages and they contain

01:30PM 25 beliefs and they should not be admitted under 803(3) either.

01:30PM 1 THE COURT: All right. Objection is overruled.

01:30PM 2 Exhibit 9051 -- what's the hyphen number?

01:30PM 3 MS. PANAGAKOS: 036.

01:30PM 4 THE COURT: Dash 036 is admitted.

01:30PM 5 (Exhibit 9051-036 was received in evidence.)

01:30PM 6 MS. PANAGAKOS: And may we publish?

01:30PM 7 THE COURT: You may. We're at the 1:30 hour. So if

01:30PM 8 you want to continue this line, as long as it's brief, you may

01:30PM 9 continue. Otherwise, we are going to have to resume tomorrow.

01:30PM 10 MS. PANAGAKOS: Okay, Your Honor. I would like to

01:31PM 11 resume tomorrow. Thank you.

01:31PM 12 THE COURT: Great. We will go to break then for this

01:31PM 13 trial day, as truncated as it was. Hopefully, we can start on

01:31PM 14 time tomorrow morning at 8:30.

01:31PM 15 As we go to break, I'll remind our jurors once again

01:31PM 16 to please refrain from discussing the substance of this case

01:31PM 17 with anyone, including one another, until I advise you

01:31PM 18 otherwise; to refrain from accessing any media or other

01:31PM 19 accounts of this case that may be out there; and then finally,

01:31PM 20 please do not conduct any independent investigation into the

01:31PM 21 facts, circumstances, or persons involved.

01:31PM 22 So we will see you tomorrow morning at 8:30 where we

01:31PM 23 will resume with the cross-examination of Ms. Tufele.

01:31PM 24 --oo0oo--

01:31PM 25

COURT REPORTER'S CERTIFICATE

I, Gloria T. Bediamol, Official Court Reporter, United States District Court, District of Hawaii, do hereby certify that pursuant to 28 U.S.C. §753 the foregoing is a complete, true, and correct transcript from the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, May 29, 2024.

11

12

13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

16

1 /

18

19

20

21

22

23

24

23